

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION

MAHARISHI FOUNDATION USA, INC.,

Plaintiff,

v.

THE VEDA CENTER, LLC, THOM
KNOLES, and THE MEDITATION
HOUSE, LLC,

Defendants.

Case No. 4:11-cv-00562

**DEFENDANTS' MOTION TO
DISMISS SECOND AMENDED
AND SUBSTITUTED
COMPLAINT**

(Oral Argument Requested)

COME NOW, Defendants The Veda Center, LLC, Thom Knoles and The Mediation House, LLC, by and through undersigned counsel, and pursuant to Federal Rule of Civil Procedure 12(b)(6), hereby move this Court to dismiss certain claims in Plaintiff's Second Amended and Substituted Complaint filed May 2, 2013, and in support thereof state as follows:

1. Pursuant to the Court's prior Order, Plaintiff was permitted to and did file an amended Complaint on May 2, 2013, and oral argument was set for May 10, 2013 at 9:00am (*See* Docket 80 at p. 5). In order to avoid any claim of a procedural irregularity arising from the Defendants having moved to dismiss the prior Complaint, Defendants file this Motion to Dismiss Plaintiff's Second Amended and Substituted Complaint filed May 2, 2013.

2. The new Complaint fails to cure any of the defects in the prior Complaint, and accordingly, in support of their Motion to Dismiss, Defendants rely on the prior Briefs, and a further short Brief, with attachments, filed with this Motion.

WHEREFORE, Defendants The Veda Center, LLC, Thom Knoles and The Mediation House, LLC, respectfully request that the Court dismiss certain claims in Plaintiff's Second Amended and Substituted Complaint on grounds that Plaintiff has failed to state a claim upon which relief may be granted.

BRADSHAW, FOWLER, PROCTOR &
FAIRGRAVE, P.C.

By: /s/ Todd A. Strother

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ATTORNEYS FOR DEFENDANTS

Original filed

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing instrument was served upon one of the attorneys of record for all parties to the above-entitled cause by serving the same on such attorney at his/her respective address/fax number as disclosed by the pleadings of record herein, on the 9th day of May, 2013 by:

☐ U.S. Mail
☐ Hand Delivered
☐ Federal Express

☐ FAX
☐ UPS
☒ Other: EM/ECF

/s/ Lori O'Connor